

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

ILLINOIS CENTRAL RAILROAD COMPANY

PLAINTIFF

VS.

CIVIL ACTION NO. 5:06cv160-DCB-JMR

WILLIE R. HARRIED, A/K/A  
WILLIAM ROY HARRIED

DEFENDANT

**ORDER**

This cause is before the Court on the defendant's Motion to Remand [**docket entry no. 8**]. Having reviewed the Motion, applicable statutory and case law, and being otherwise fully apprised as to the premises, the Court orders as follows:

On November 22, 2006, Illinois Central Railroad Company filed this diversity action against Willie R. Harried, a/k/a William Roy Harried in the United States District Court for the Southern District of Mississippi, Western Division. On December 18, 2006, the defendant filed his answer [docket entry no. 5] and a Motion to Remand [docket entry no. 6]. Federal district courts are courts of limited jurisdiction. These jurisdictional limits are imposed by Congress. See U.S. Const. art III, § 1. Similarly, the rules concerning removal and remand are functions of the legislative process. Consequently, a suit originally filed in federal court cannot be remanded to state court.<sup>1</sup> See 28 U.S.C. § 1447. Accordingly,

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<sup>1</sup>The Court renders no decision on the propriety of the defendant's argument for dismissal.

IT IS HEREBY ORDERED that the defendant's Motion to Remand  
[docket entry no. 8] is **DENIED**.

SO ORDERED, this the 21<sup>st</sup> day of December, 2006.

s/ David Bramlette  
UNITED STATES DISTRICT JUDGE